

# BRENNAN CENTER FOR JUSTICE

at New York University School of Law

## Brennan Center's *Justice Update*

### "Debt Penalty" Garner National Attention



[National Public Radio's report](#) on the proliferation of criminal justice debt, conducted with the assistance of the Brennan Center and National Center for State Courts, continues to draw national attention. [Stephen Colbert highlighted the study](#), explaining, "If a defendant can't pay a fee, they go to jail, where they'll rack up more food and boarding fees that they can't pay, and be penalized with more jail time — thus increasing their debt, which gives them even longer prison sentences." [The Huffington Post](#) and [The American Prospect](#) also referenced a [2010 Brennan Center report](#) on criminal fees and fines: "The combination of debt and poor job opportunities can lead recently released prisoners right back to prison — neither a cost-effective outcome for the state nor a desirable outcome for well, anyone."

### New Brennan Center Column: "Just Facts"

Economist **Oliver Roeder's** [new column, "Just Facts,"](#) will analyze trends in criminal justice using data and economic analysis. This week, he looked at the disproportionate rise of female prisoners, an issue depicted in the acclaimed series "Orange is the New Black." Since 1980, "while the incarceration rate for men increased over 230 percent, the rate for women increased 518 percent," Roeder wrote. "The rate at which women have been increasingly incarcerated has been exceptional, even in a country that has seen a world-historic increase in incarceration."



### Ending Mass Incarceration Requires Public Awareness



"It is morally indefensible that America has 2.3 million prisoners," [wrote Walter Shapiro](#), "and, for the most part, we refuse to even talk about it. That is why I'm attracted to the [recent Brennan Center proposal](#) calling on Obama to appoint a National Commission on Mass Incarceration," which could help provoke a national conversation about the scope of the problem. But, awareness is growing. The [New York Times](#) wrote an editorial titled "End Mass Incarceration Now," linking to **Andrew Cohen** and **Oliver Roeder's** [blog](#)

[explaining](#) why the recent, slight decline in incarceration doesn't signal an end to the epidemic. [The Washington Post](#) also included the blog in its suggested reads.

## **Lawmakers Should Back Justice Department Reforms**

At [The Huffington Post](#), **Inimai Chettiar** and **Nicole Fortier** addressed a characteristic Washington paradox. While Republicans like Sen. Rob Portman and Democrats like President Obama agree on the need for criminal justice reform, those worthy intentions have yet to coalesce into meaningful bipartisan action. "If Portman and his colleagues in Congress are serious about the need for criminal justice reform," they wrote, "they should back an [expanded clemency initiative](#) by the White House. And President Obama should take up Portman's offer to work together to get bipartisan reform bills through Congress." The clemency initiative isn't the Justice Department's only recent reform of significance. **Lauren-Brooke Eisen** [praised](#) the Department's push for video-recording of interrogations, while calling on states to follow suit. Video-recording, she wrote, "is a valuable tool to substantiate correct convictions, and minimize wrongful convictions."



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## **Research Roundup**

- An [infographic from the Prison Policy Institute](#) compares the incarceration rates of every U.S. state to those of the world's nations. "36 states and the District of Columbia," the report notes, also "have incarceration rates higher than that of Cuba, which is the nation with the second highest incarceration rate in the world" after the U.S.
  - A [report from the Pew Charitable Trusts](#) highlights the increase in prisoners who "max-out" – serve their entire sentences behind bars – and return to communities without supervision or support. This is largely the result of states' policy choices over the past three decades, including truth-in-sentencing laws, resulting in offenders serving longer proportions of their sentences behind bars.
  - A [study from Georgia State University](#) finds that men who have been incarcerated and released are more than twice as likely to die prematurely as those who have never been imprisoned. It is among the first sociological studies to look at the impacts of incarceration on the mortality of prisoners after release.
  - A [report from the Urban Institute](#) examines the "Pay for Success model," which directs private capital to public programs, and provides a return on investment if the program attains specified performance targets. The report provides an overview of the model's use for criminal justice, examines pros and cons, and includes a guide for development of 'PFS' projects.
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Brennan Center for Justice at NYU School of Law | 161 Avenue of the Americas, 12th Floor | New York, NY 10013  
| 646.292.8310 phone | 212.463.7308 fax | [brennancenter@nyu.edu](mailto:brennancenter@nyu.edu)